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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Kimberly A. ANDERSON, et al.

SERIAL NO: 10/616,926

GROUP: 3763

FILED: July 11, 2003

EXAMINER:

FOR: SURGICAL INSTRUMENT AND METHOD

**LETTER**

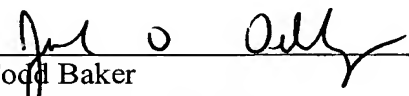
Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an Australian Office Action for the Examiner's consideration. The reference(s) cited therein have been previously filed on July 11, 2003.

Respectfully Submitted,

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17 August 2005



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Your Ref: 640743:GJG:CJA

Examiner's first report on patent application no. 2002234068  
by American Medical Systems, Inc.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. There is no Notice of Entitlement on file. You will need to file one because an application without a Notice of Entitlement cannot be accepted.
2. Claims 1-8 define a needle with a repositionable handle while claims 9-17 define a needle with two handles as already identified in the International Search Report wherein the search report was restricted to claims 1-8.

The claims do not relate to one invention or to a single inventive concept, a priori.

I have limited the report to the invention defined by claims 1-8. When I receive a response to my objections I may extend the search area and expand the report on the basis of my findings.

3. Claims 1-8 are not novel or inventive when compared to the following documents identified in the International Search Report and as explained in the International Preliminary Examination Report.

✓ US 5899909  
✓ WO 0074613  
✓ SU 1342486  
✓ US 5904692

*Filed w/ Appl.*

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651010.

Yours faithfully,



SWAYAM CHINTAMANI  
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